

Resolution No. 29-11

RESOLUTION: To enlarge the corporate boundaries of the City of Rockville to include 4.37372 acres of land of Reed Brothers, Inc., and Mary J. Gartner, Trustee

WHEREAS, public notice of a resolution to annex property of Reed Brothers, Inc., and Mary J. Gartner, Trustee, totaling 4.37372 acres of land, more or less, hereinafter more particularly described, has been published not fewer than two times at not less than weekly intervals in a newspaper of general circulation in the City of Rockville and the area to be annexed, said notice specifying that a public hearing would be held by the Mayor and Council on said resolution at Rockville City Hall, on August 1, 2011, at 7:00 p.m.; and

WHEREAS, the Mayor and Council conducted a public hearing on said resolution at the time and place provided for in said advertisement which hearing was not less than fifteen days after the second publication of the public notice referenced above; and

WHEREAS, an annexation plan consistent with the municipal growth element of the comprehensive plan of the City was provided to the County Executive of Montgomery County, Maryland, the Secretary of the State Department of Planning and the Chair of the Maryland-National Capital Park and Planning Commission at least thirty days prior to the holding of the scheduled public hearing; and

WHEREAS, immediately after the first publication of the public notice in said newspaper, a copy of that public notice was provided to the County Executive of Montgomery County, Maryland, the Secretary of the State Department of Planning and the Chair of the Maryland-National Capital Park and Planning Commission; and

WHEREAS, the City's Adequate public facilities standards (APFS) provides that for development applications for property being annexed into the City filed during the pendency of the annexation petition, a determination by MCPS that the school cluster in which the proposed development is located would not be in a moratorium under the County's schools test with the added student generation from the proposed development shall be accepted by the Mayor and Council at the time of annexation as part of its annexation approval for purposes of satisfying the City's APFS test for schools provided 1) the schools are located outside the City; 2) less than 10 percent of the schools' population at the time of annexation is comprised of students residing within the City; and 3) the determination is made within one year prior to the effective date of the annexation;

WHEREAS, a development application has been filed for the subject property during the pendency of this annexation petition; and

WHEREAS, MCPS has made a determination that the school cluster in which the proposed development is located will not be in a moratorium under the County's schools test with the added student generation from the proposed development; and

WHEREAS, this matter having been considered and deliberated by the Mayor and Council of Rockville, and the Mayor and Council having decided that enactment of this resolution would promote the health, safety and welfare of the City of Rockville.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, [as follows: Section 1.] that the corporate limits of the City of Rockville are hereby extended to include the following area, which is hereby added to the City.

Being the property acquired in the following two (2) conveyances; 1.) being all of the property acquired by Bonnie L. Adams et al from Mary Jane Gartner, Trustee, by deed dated January 3, 1994 and recorded in Liber 12359 at Folio 477 and being all of Parcel A, Derwood, Reed's Addition, recorded as Plat No.

9337; 2.) being part of the property acquired by Reed Brothers, Incorporated, from Virginia K. Casey a/k/a Virginia Casey Visnich and George Visnich by deed dated August 4, 1969 and recorded in Liber 3893 at Folio 289 all among the Land Records of Montgomery County, Maryland, and being more particularly described as follows:

Beginning for the same at a point marking the southwesterly corner of said Parcel A, Derwood, Reed's Addition, said point marking the common southwesterly corner of Parcel H, Derwood, recorded as Plat No. 12090 among the aforesaid Land Records and also marking the northeasterly line of Frederick Road, Maryland Route 355, as shown on State Road Commission Plat No's. 44321 and 44322; thence leaving said northeasterly line of Frederick Road and running with the common line of said Parcel H and with the property of Montgomery County, Maryland, as recorded in Liber 5718 at Folio 807 among the aforesaid Land Records

- 1.) North 38° 41' 23" East, 550.54 feet to a point; thence running with the property of said Montgomery County, Maryland, and with the property of Washington Metropolitan Area Transit Authority recorded in Liber 12437 at Folio 458 among the aforesaid Land Records
- 2.) South 51° 18' 37" East, 350.00 feet to a point; thence running with the property of Washington Metropolitan Area Transit Authority as recorded in Liber 5498 at Folio 485, the following two (2) courses and distances
- 3.) South 38° 41' 23" West, 505.57 feet to a point; thence
- 4.) South 77° 34' 46" West, 46.25 feet to a point on the aforesaid northeasterly line of Frederick Road; thence running with said northeasterly line of Frederick Road, the following three (3) courses and distances
- 5.) North 52° 52' 47" West, 20.97 feet to a point; thence
- 6.) South 38° 41' 23" West, 0.37 feet to a point; thence
- 7.) North 52° 50' 40" West, 300.11 feet to the point of beginning containing 190,519 square feet or 4.37372 acres of land;

AND BE IT FURTHER RESOLVED, [Section 2.] that all territory hereby annexed to the City of Rockville and the persons residing thereon shall, after the effective date of this resolution, be subject to the Charter, laws, ordinances and regulations of said City;

AND BE IT FURTHER RESOLVED, [Section 3.] that as soon as the annexation provided by this resolution shall become effective, the Mayor shall promptly register both the original boundaries and the new boundaries of the City with the City Clerk of Rockville, with

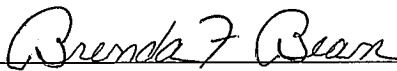
the Clerk of the Circuit Court for Montgomery County, Maryland, with the Maryland-National Capital Park and Planning Commission, and shall send, or cause to be sent, separately by certified mail, return receipt requested, one copy of this resolution to the Department of Legislative Reference;

AND BE IT FURTHER RESOLVED, that the Mayor and Council, in accordance with the City's APFS, accepts the MCPS determination that the school cluster in which the proposed development is located will not be in a moratorium under the County's schools test with the added student generation from the proposed development for purposes of satisfying the City's APFS test for schools for the proposed development and finds that 1) the school district in which the proposed development is located is outside of the City; 2) less than ten percent of the schools' population at the time of this annexation is comprised of students residing within the City; and 3) the determination by MCPS was made within one year prior to the effective date of this annexation.

NOTE: Underlining indicates material added after introduction.
[Brackets] indicate material deleted after introduction.

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I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and Council of Rockville at its meeting of October 10, 2011.


Brenda F. Bean, Acting City Clerk